

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 269

This is an advisory opinion in response to your letter requesting advice from the Ethics Commission as to whether you may serve as honorary co-chair of a non-profit fundraising entity working to bring an exhibit to Honolulu and assist with its fundraising efforts.

The Commission understands the facts relative to your inquiry to be as follows:

To commemorate its anniversary, a museum is taking approximately 300 items in its collection on a two-year, twelve-city tour. You have approached museum officials and learned that they are interested in bringing the exhibition to Honolulu.

The tour is funded primarily by corporate partners who have donated \$10 million each. If the itinerary is modified to include Honolulu, the costs will exceed the normal expenses on the U.S. mainland. Therefore, it will be necessary to raise funds locally to subsidize a Honolulu showing. By law the museum is prohibited from charging admission.

If an existing nonprofit entity cannot be found to do the fundraising for the exhibit, a new 501(c)(3) organization will be created for that specific purpose.

Although you are a City officer you are engaged in efforts to bring the museum's exhibit to Honolulu as a private citizen.

The ethical question presented is whether your service as honorary co-chair of the efforts to bring the museum's travelling exhibition to Honolulu and your work to assist with fundraising for that purpose would violate the Standards of Conduct of the City and County of Honolulu.

The general rule in relation to your question is found in the Revised Charter of the City and County of Honolulu 1973 (1994 Ed.), Section 11-104, which states as follows:

Elected or appointed officers or employees shall not use their official positions to secure or grant special consideration, treatment, advantage, privilege or exemption to themselves or any person beyond that which is available to every other person.

Based on the evidence presented, the Commission finds that you may serve as honorary chair (or co-chair) of the organization that brings the museum's exhibit to Honolulu. In that capacity you may use your City title, but you may do no fundraising. Your role would be essentially that of a figurehead. Alternatively, you may choose to be actively involved in fundraising efforts by letter, but you may not use your City title in that correspondence. Either way, the Commission finds that you may not refer to your work in bringing the exhibition to Hawaii in your future campaigning.

Additionally, the Commission finds that you are free to work with any governmental entities in the state on any matter related to the museum's exhibit, and you may use your title in so doing. Governmental organizations are created to serve the public interest and do not represent private interests, so they do not easily create conflict of interest situations.

Dated: April 12, 1996

SAMUEL L. DOMINGO
Chair, Ethics Commission